



**PATENT APPLICATION**  
**Docket No. 15436.436.6**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of**

**Ralph H. Johnson**

**Serial No.:**

~~10/028,288~~

10026044

) Art Unit  
 ) 2828

**Filed:**

**December 27, 2001**

**For:**

# INDIUM FREE VERTICAL CAVITY SURFACE EMITTING LASER

**Confirmation No.:**

8646

**Customer No.:**

022913

**Examiner:**

Than M. Nguyen

AMENDMENT UNDER 37 C.F.R. § 1.111

**Mail Stop AMENDMENT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**Dear Sir:**

This is a resubmission of a response to Office Action dated 12/17/04. The response was originally submitted on March 1, 2004. However, the response was found to be non-compliant, as indicated in the paper mailed March 12, 2004. This re-submission corrects the errors giving rise to the non-compliance. In response to the Official Action dated 12/17/04, Applicant has amended claims 1, 37 and 48, and now hereby respectfully requests reconsideration of his application and enclosed remarks.



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CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 12 day of July 2004.

- Transmittal Letter (2 pages) (in duplicate)
- Response to Notice of Non-Compliant Amendment
- Petition for Three-Month Extension of Time
- PTO-2038 Credit Card Payment Form for the amount of \$950.00
- Postcard

Respectfully submitted,

ERIC L. MASCHOFF  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913  
Telephone: (801) 533-9800



**PATENT APPLICATION**  
Docket No. 15436.436.6

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## Ralph H. Johnson

Serial No.: ~~10/028,288~~

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SURFACE EMITTING LASER**

**Examiner:** Than M. Nguyen

**Mail Stop AMENDMENT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**TRANSMITTAL FOR RESPONSE TO NOTICE  
OF NON-COMPLIANT AMENDMENT**

**Sir:**

Transmitted herewith is a submission of a Response to Notice of Non-Compliant Amendment for entry in the above-identified application.

R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
L. REX SEARS, PH.D.  
WILLIAM R. RUCHTER  
ERIC M. KAMERATH  
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JENS C. JENKINS  
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JOSEPH G. PIA  
CLINTON E. DUKE  
DAVID J. LORENZ †

\* Admitted only in California  
† Admitted only in New York

- X Enclosed is an Amendment which was previously filed on March 1, 2004 and for which a Notice of Non-Compliant Amendment was received on March 12, 2004.
- X To render the transmitted Response to Notice of Non-Compliant Amendment timely filed enclosed are the following:
  - X Petition for a Three-Month Extension of Time; and
  - X PTO-2038 Credit Card Payment Form in the amount of \$950.00 to cover the fee for the extension of time.
- X A Certificate of Deposit Under 37 C.F.R. § 1.8.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
  - X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
  - X Any patent application processing fees under 37 CFR 1.17.
- X A duplicate copy of this transmittal letter is attached.

Dated this 12<sup>th</sup> day of July 2004.

Respectfully submitted,



ERIC L. MASCHOFF  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913  
Telephone: (801) 533-9800